

Appl. No. 10/003,183
Amdt. Dated August 19, 2003
Reply to Office action of Dec.10, 2002

REMARKS/ARGUMENTS

In the specification, paragraph [0011] has been amended to refer to the reference characters which have been corrected and added.

In amended Figures 1-3, reference character 20 for the dispensing disk has been changed to 21. In Figs. 1 and 2, reference character 16 has been added to show the dispensing aperture and reference character 27 has been added to show the anchor pin. Amended Figure 3 also identifies the dispensing disk with new reference character 25.

Claims 1-17 are in this application.

Claims 1, 3, and 9-16 have been amended to more distinctly claim the invention.

Heretofore some of the claims set forth that the dispensing disk was rotatable relative to the base. This was in error. The specification sets forth that the base is rotatable relative to the dispensing disk. In other words, the dispensing disk is non-rotatable whereas the base is rotatable relative to the disk. See page 4, lines 20-24 of the specification.

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Claim 17 has been amended to overcome the 35 USC 112 rejection.

Reconsideration of the rejection of claims 1-8 and 17 under 35 USC 102b as anticipated by Klingler is respectfully requested. Klingler is directed to a support for manually operable ice crushers. The claims set forth a main housing including a rotatable base. Klingler sets forth a removable glass disk 20 which is removable but not rotatable relative to anything. The claim sets forth a secondary housing secured onto a main housing. If Klingler has corresponding parts as claimed, the receptacle 11 would correspond with the claimed secondary housing. The claims set forth a reservoir in the main housing. Klingler has a glass disk which functions as the reservoir which would also serve as the main housing. The claims set forth an outlet in the base for dispensing particles of a crunched product. In Klingler, the glass disk is removable but does not include an outlet for dispensing particles.

As for claim 3, the main housing includes an inlet aligned with the crunching means through which the crunched particles fall into the reservoir. In Klingler there is an opening extending from the crunchers but no outlet as claimed. It is therefore believed that claims 1-3 are not anticipated by Klingler.

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Since claims 4-8 depend from one of claims 1-3, these claims should be patentable for the same and obvious reasons.

Claim 17 depends from claim 9 and should not be grouped with claims 1-8.

Reconsideration of the rejection of claims 9-16 under 35 USC 103a is respectfully requested. These claims depend from claims 1-8, respectively, and are believed patentable over Klingler for the same reasons set forth above for claims 1-8.

Fohrman has been combined with Klingler for teaching a rotatable dispensing disk.

In combining a teaching of one patent with another, there must be a teaching in absence of applicant's own teaching. Klingler has arms that extend vertically with grinding teeth on the arms so that a product that falls between the teeth can be crunched or ground into smaller pieces. Fohrman teaches rotatable parallel grinding members. Applicants are puzzled how one skilled in the art is to apply a teaching of rotatable grinding members for grinding members that move toward and from each other such as in Klingler. There is teaching as to how the rotatable grinders can be substituted for the movable grinders of Klingler. Therefore, claims 8-16 are believed patentable over Klingler alone or in combination with Fohrman.

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Claim 17 depends from claim 9 and would be patentable for the same reasons.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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